

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Section 8.06.145 of the Lincoln Municipal Code  
2 relating to open burning permits to provide that the City Council may, by resolution, establish or  
3 revise the fees for such permits; and repealing Section 8.06.145 of the Lincoln Municipal Code  
4 as hitherto existing.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Section 8.06.145 of the Lincoln Municipal Code be amended to  
7 read as follows:

8 **8.06.145 Open Burning Permits.**

9 (a) Any person may apply for a permit for open burning by filing a written application  
10 on forms provided for that purpose with the Director giving reasons why no other practicable  
11 method except open burning can be employed to dispose of the refuse involved, the amount and  
12 kind of refuse to be burned, the exact location where the burning will take place, including the  
13 distances to adjacent structures; and the dates or days and times when the open burning is  
14 proposed to take place. Applications from industrial or commercial businesses must be  
15 accompanied by payment of a daily permit fee of \$140.00 per day in an amount that the City  
16 Council may, by resolution, from time to time establish or revise for each site on which burning  
17 is to take place. Said fee shall be credited to the Health Fund.

18 (b) Upon receipt of the application, the Director shall immediately forward the  
19 application to the Fire and Rescue Department having jurisdiction over the area in which the  
20 burning is to take place. Such Fire and Rescue Department shall endorse its approval or  
21 disapproval on the application within five days.

22 (c) Issuance of Permits. The Director shall not issue a permit unless:

23 (1) There is no other practical method except open burning which can be  
24 employed to dispose of the refuse involved, and

25 (2) The appropriate fire department has approved the application as meeting  
26 their fire safety requirements; or

1                   (3)     The fire is being set for purposes of training firefighters who are employed  
2 by or members of a rural fire district.

3                   (d)     Applicants may be issued an extended permit covering a period of time not to  
4 exceed one year. Such permits may limit the number of times the applicant can burn in a specific  
5 time period. As a condition of issuance, specific pollution control procedures or methods may be  
6 required by the Director in order to protect the public health.

7                   (e)     Unlawful Acts and Revocation. It shall be unlawful for the permittee to fail to  
8 carry out any control procedures or other conditions established as criteria for issuance of the  
9 permit. Said permit may be revoked by the Director at any time a violation of this ordinance is  
10 observed or conditions of the permit are not met.

11                   Section 2. Any and all fees in effect on August 1, 2014, under the section  
12 amended by this ordinance shall remain in effect until such time as the City Council passes a  
13 resolution establishing or revising said fees as authorized herein.

14                   Section 3. That Section 8.06.145 of the Lincoln Municipal Code as hitherto  
15 existing be and the same is hereby repealed.

16                   Section 4. That this ordinance shall take effect and be in force from and after  
17 passage and publication in one issue of a daily or weekly newspaper of general circulation in the  
18 City, according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2014:

\_\_\_\_\_  
Mayor